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18. (Amended) An absorbent article comprising:

an elongated material having two enlarged end portions and a narrowed portion intermediate the two enlarged end portions, one of the two enlarged end portions corresponding to a back region of the absorbent article; and

B5 the elongated material comprising a fluid impermeable backsheet, a fluid permeable body-side liner attached to one side of the fluid impermeable backsheet, and a pocket sheet having opposed peripheral edges, the opposed peripheral edges attached to the fluid permeable body-side liner, and at least two opposed pleats in the pocket sheet along opposite sides of the pocket sheet and disposed substantially parallel to a longitudinal centerline of the elongated material, whereby upon expansion of the pocket sheet in a direction away from the fluid impermeable backsheet a pocket for collection of fecal matter is formed by the pocket sheet.

#### REMARKS

Applicant respectfully requests reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks.

**Amendment to the Claims**

Applicant has amended Claim 3 by incorporating limitations from canceled Claim 1.

Applicant has amended Claims 2-4, 6, and 7 to depend from amended Claim 3.

Applicant has amended Claim 9 to include limitations from canceled Claim 8 and further describe the longitudinal pleats.

Applicant has amended Claims 10, 11, 13, and 14 to depend from amended Claim 9.

Applicant has amended Claim 18 to include pleats in the pocket sheet along opposite sides of the pocket sheet.

**Claim Rejections - 35 U.S.C. §102**

The rejection of Claims 1-14 and 18 under 35 U.S.C. §102(b), as being anticipated by Foreman (U.S. Patent 4,738,677) is respectfully traversed. Applicant has canceled independent Claim 1 and amended Claim 3 to incorporate limitations of canceled Claim 1, canceled Claim 8 and amended Claim 9 to incorporate limitations of canceled Claim 8, and amended Claim 18. Amended Independent Claims 3, 9, and 18 recite pleats disposed substantially parallel to a longitudinal centerline of the

elongated material or diaper. Foreman does not teach or suggest Applicant's flap sheet attached to a fluid permeable body-side liner, the flap sheet being expandable in a direction away from the fluid impermeable backsheet proximate a back region of an absorbent article, and forming a pocket for collection of fecal matter, wherein the flap sheet includes two opposed pleats along opposite sides of the pocket and *disposed substantially parallel to a longitudinal centerline of the absorbent article*.

The Examiner alleges that Foreman teaches pleats disposed along a pocket edge which are contractible and stretchable in the transverse direction of the diaper, and therefore the pleats are orientated in a longitudinal direction of the article. Foreman teaches elastically contractible gasketing cuffs 56 disposed adjacent to first barrier cuffs 62 along the longitudinal edge 30 for forming a tight fit against the legs of the article user. (See Fig. 1 and Column 9, lines 13-18). The gasketing cuffs 56 include a flexible flap and one or more flap elastic members 60. (Column 9, lines 21-26). The flap elastic members 60 extend along the length of the side flaps 58 and/or diaper 20. (Column 10, lines 1-8). The flap elastic members 60 are associated with the flap in an elastically contractible condition so that the flap elastic members retract to gather the flaps. (Column 9, lines 56-60). The flaps may be contracted by being pleated and attached to flap elastic members 60. (Column 9, lines 65-68). As the flap elastic members 60 are disposed along the longitudinal edge 30 of the diaper, *the*

*pleats of the flap must be disposed parallel to a lateral centerline* to allow the flap elastic members 60 to stretch along the longitudinal edge 30 of the diaper. This is contrary to the Examiner's position that the pleats of Foreman are oriented in a longitudinal direction of the article. Thus, Foreman teaches away from Applicant's invention of amended Claims 3, 9, and 18. Claims 2-7 and 10-14 depend from amended Claims 3 and 9 respectively, and are patentable for at least the same reasons as amended Claims 3 and 9.

### **Claim Rejections - 35 U.S.C. §103**

The rejection of Claims 15-17 under 35 U.S.C. §103(a) as being unpatentable over Foreman (U.S. Patent 4,738,677) in view of Igaue et al. (U.S. Patent 5,114,420). Applicant's arguments with respect to the Foreman patent as set forth hereinabove are equally applicable to this rejection and, thus, will not be repeated other than to reiterate that the Foreman patent neither teaches nor suggests an absorbent article comprising a flap sheet having *longitudinal pleats* in the manner required by Applicant's claimed invention. Claims 15-17 are directed to a method for producing the absorbent article of amended Claim 3.

The Examiner acknowledges that the Foreman patent does not teach nor suggest removing portions of a rectangularly configured multilayer material and

forming pleats in the flap sheet proximate the back region of the absorbent article as required by the method of Applicant's claimed invention. Rather, the Examiner relies upon the Igaue et al. patent as teaching this aspect of Applicant's claimed invention. However, because the Foreman patent does not teach or suggest an absorbent article comprising a flap sheet or pocket sheet with longitudinal pleats, as claimed by Applicant, which is expandable to form a pocket, Applicant respectfully urges that application of the teachings of the Igaue et al. patent to the teachings of the Foreman patent would not result in an absorbent article as claimed by Applicant. Accordingly, it follows that the method of the invention claimed by Applicant is also neither taught nor suggested by the combination of the Foreman patent and the Igaue et al. patent. Thus, Applicant respectfully urges that the Foreman patent and the Igaue et al. patent, alone or in combination, do not render Applicant's claimed invention obvious in the manner required by 35 U.S.C. 103 (a).

### **Conclusion**

Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicant has not addressed in this response, Applicant's undersigned attorney requests a telephone interview with the Examiner.

Serial No.: 09/745,006

Docket No.: KCC-14,083

Applicant sincerely believes that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

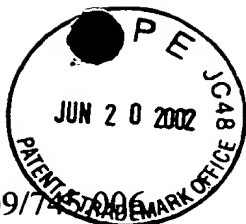
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark D. Swanson', with a long horizontal flourish extending to the right.

Mark D. Swanson

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### Marked-up Version Showing Changes Made

In the Claims:

2. (Amended) An article in accordance with Claim [1], wherein  
a width of said pocket traverses substantially an entire width of said back region.

3. (Amended) [An absorbent article in accordance with Claim 1,]

An absorbent article comprising:

an elongated material having two enlarged end portions and a narrowed  
portion intermediate said two enlarged end portions, one of said two enlarged end  
portions corresponding to a back region of said absorbent article; and

said elongated material comprising a fluid impermeable backsheet, a  
fluid permeable body-side liner attached to one side of said fluid impermeable  
backsheet, and a flap sheet attached to said fluid permeable body-side liner, said flap  
sheet being expandable in a direction away from said fluid impermeable backsheet  
proximate said back region of said absorbent article, whereby a pocket for collection  
of fecal matter is formed;

wherein said flap sheet [forms] includes two opposed pleats along  
opposite sides of said pocket and disposed substantially parallel to a longitudinal  
centerline of said elongated material.

4. (Amended) An absorbent article in accordance with Claim [1] 3, wherein at least one of said flap sheet, said fluid impermeable backsheet and said fluid permeable body-side liner comprises a nonwoven material.

6. (Amended) An absorbent article in accordance with Claim [1] 3, wherein said fluid permeable body-side liner is a multi-layer material comprising an absorbent layer and a fluid permeable top sheet, said absorbent layer being disposed between said fluid impermeable backsheet and said fluid permeable top sheet.

7. (Amended) An absorbent article in accordance with Claim [1] 3, wherein said flap sheet is fluid impermeable.

9. (Amended) [A disposable diaper in accordance with Claim 8,]  
A disposable diaper comprising:

a fluid impermeable outer cover, a fluid permeable body-side liner attached to said fluid impermeable outer cover and a flap sheet attached to said fluid permeable body-side liner, said flap sheet expandable in a direction away from said



fluid impermeable outer cover whereby a pocket is formed inside said disposable diaper proximate a back region of said disposable diaper;

wherein said flap sheet comprises at least two discrete pleats disposed along opposed sides of said pocket and substantially parallel to a longitudinal centerline of said diaper.

10. (Amended) A disposable diaper in accordance with Claim [8] 2, wherein said pocket substantially traverses an entire width of said back region of said disposable diaper.

11. (Amended) A disposable diaper in accordance with Claim [8] 2, wherein said flap sheet comprises a nonwoven web.

13. (Amended) A disposable diaper in accordance with Claim [8] 2, wherein said fluid permeable body-side liner is a multi-layer material comprising an absorbent layer and a fluid permeable top sheet, said absorbent layer being disposed between said fluid impermeable outer cover and said fluid permeable top sheet.

14. (Amended) A disposable diaper in accordance with Claim [8] 2, wherein said flap sheet is fluid impermeable.

18. (Amended) An absorbent article comprising:  
an elongated material having two enlarged end portions and a narrowed portion intermediate the two enlarged end portions, one of the two enlarged end portions corresponding to a back region of the absorbent article; and  
the elongated material comprising a fluid impermeable backsheet, a fluid permeable body-side liner attached to one side of the fluid impermeable backsheet, and a pocket sheet having opposed peripheral edges, the opposed peripheral edges attached to the fluid permeable body-side liner, and at least two opposed pleats in the pocket sheet along opposite sides of the pocket sheet and disposed substantially parallel to a longitudinal centerline of the elongated material, whereby upon expansion of the pocket sheet in a direction away from the fluid impermeable backsheet a pocket for collection of fecal matter is formed by the pocket sheet.